

SENATE BILL 1089

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 2 and
Title 66, relative to campaign signage.

WHEREAS, this act is intended to address temporary political, ideological, and content-based signs on private property, and not lighting, signs on buildings, lighted highway signage, or commercial business signage; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 7, is amended by adding the following language as a new section:

(a) This section shall be known and may be cited as the "Tennessee Freedom of Political Speech Act."

(b) Notwithstanding any law to the contrary, during the period beginning sixty (60) days before a general election until the day after the next subsequent general election:

(1) This state, a local government, or any other political subdivision of this state:

(A) Shall not regulate the shape or quantity of political or campaign posters or signs placed on private property that is located more than one hundred feet (100') from a polling place if the signs or posters are placed on the property by the owner of the property or any lawful resident of a residence on the property;

(B) Notwithstanding subdivision (b)(1)(A), may prohibit any political or campaign poster or sign covered by this section from exceeding forty (40) square feet in size;

(2) A homeowners' association shall not, by covenant, condition, restriction, or rule, prohibit the display of political or campaign posters or signs placed on private property by the owner of the property or any lawful resident of a residence on the property. A homeowners' association may adopt reasonable covenants, conditions, restrictions, or rules with respect to the placement of political or campaign posters or signs placed on common or other areas maintained by the homeowners' association; and

(3) A resident of a multi-unit residential dwelling may place political or campaign posters or signs on property owned or under the control of the resident.

SECTION 2. Tennessee Code Annotated, Section 2-7-111(b)(1), is amended by deleting the last sentence of the subdivision.

SECTION 3. Tennessee Code Annotated, Section 2-7-111, is amended by deleting subsection (d) in its entirety.

SECTION 4. This act applies to any covenant, condition, restriction, or rule contained in any agreement or contract between a homeowners' association and property owner executed on or after the effective date of this act.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.